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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHRADER, LAWRENCE J

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 01/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,629

Applicant(s)

SHIOBARA ET AL.

Examiner

Lawrence Shrader

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 5; 6, 9, 10; 11, 14, 15; 16, 19, 20; and 21, 24, 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Parthasarathy et al., U.S. Patent 6,347,398 (hereinafter referred to as Parthasarathy).

In regard to claim 1:

Parthasarathy discloses a program installation method comprising;

“a step of receiving a program's signature data;”

See column 3, lines 6 – 13 for receiving a program's signature data.

“a step of checking for interference with other already installed programs on the basis of said signature data;”

See column 3, lines 6 – 13 for checking for interference (checking to see if the program is safe to install, thus preventing adverse interaction with other programs) by checking the signature data.

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“a step of authorizing the installation of programs with which there is no interference.”

The installation is authorized based on the signature data and installed (column 3, lines 6 – 21).

In regard to claim 4, incorporating the rejection of claim 1:

“...wherein said receiving step comprises a step for receiving said signature data and said program.”

Parthasarathy discloses that the method and system disclosed receives via a computer network the program and the signature data it contains (see Abstract; and column 3, lines 6 – 13 for the signature data content).

In regard to claim 5, incorporating the rejection of claim 1:

“...wherein said receiving step comprises a step for receiving said signature data, and said step for authorizing installation comprises a step for requesting said authorized program and receiving said program.”

See column 3, lines 6 – 21; and column 8, lines 36 – 42.

In regard to claim 6 (an apparatus), rejected for the same corresponding reasons as put forth in the rejection of claim 1 (the corresponding method) above:

“memory for storing installed programs;” See Figure 1.

“a processor for executing said programs;” See Figure 1.

“wherein said processor receives a program's signature data, checks for interference with other already installed programs based on said signature data, and authorizes installation of programs with which there is no interference.” See claim 1.

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In regard to claim 9, (an apparatus) incorporating the rejection of claim 6, rejected for the same corresponding reasons put forth in the rejection of claim 4 (the corresponding method):

In regard to claim 10, (an apparatus) incorporating the rejection of claim 6, rejected for the same corresponding reasons put forth in the rejection of claim 5 (the corresponding method):

In regard to claim 11:

“a step of uploading at least a signature data of a program in response to a program request;”

Parthasarathy discloses that a signature is uploaded over a computer network (see Figure 2 and column 8, lines 36 – 42).

“a step of receiving the signature data of said program;”

Rejected for the same reason given in claim 1.

a step of checking for interference with other already installed programs on the basis of said signature data;”

Rejected for the same reason given in claim 1.

“a step of authorizing the installation of programs with which there is no interference.”

Rejected for the same reason given in claim 1.

In regard to claim 14 (a method), incorporating the rejection of claim 11, rejected for the same corresponding reasons put forth in the rejection of claim 4.

In regard to claim 15 (a method), incorporating the rejection of claim 11, rejected for the same corresponding reasons put forth in the rejection of claim 5.

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In regard to claim 16 (a system), rejected for the same corresponding reasons as put forth in the rejection of claim 11 above (the corresponding method):

In regard to claim 19 (a system), incorporating the rejection of claim 16, rejected for the same corresponding reasons put forth in the rejection of claim 14 (the corresponding method).

In regard to claim 20 (a system), incorporating the rejection of claim 16, rejected for the same corresponding reasons put forth in the rejection of claim 15 (the corresponding method).

In regard to claim 21 (a storage medium), rejected for the same corresponding reasons put forth in the rejection of claim 1 above (the corresponding method).

In regard to claim 24, incorporating the rejection of claim 21, rejected for the same corresponding reasons put forth in the rejection of claim 4 above (the corresponding method).

In regard to claim 25, incorporating the rejection of claim 21, rejected for the same corresponding reasons put forth in the rejection of claim 5 above (the corresponding method).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2; 7; 12; 17; and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parthasarathy et al., U.S. Patent 6,347,398 in view of Mast, U.S. Patent 5,881,287.

In regard to claim 2, incorporating the rejection of claim 1:

“...wherein said checking step comprises a step for checking for said interference based on memory usage information in said signature data and memory usage information of said other already installed programs.”

Parthasarathy discloses the use of a digital signature, but does not disclose that memory usage information is included. However, Bisset discloses a digital signature that includes the size required by the local storage space (Abstract; column 7, lines 24 – 42). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of Parthasarathy regarding the use of digital signatures of software components with the teaching of Bisset wherein the digital signature contains memory usage information, because the memory information prevents the same memory space from being accessed by programs having different certificates, while allowing a shared space for components with the same certificates to share data freely as taught by Bisset (column 7, lines 32 – 42).

In regard to claim 7 (an apparatus), incorporating the rejection of claim 6, rejected for the same corresponding reasons put forth in the rejection of claim 2 (the corresponding method).

In regard to claim 12 (a method), incorporating the rejection of claim 11, rejected for the same corresponding reasons put forth in the rejection of claim 2.

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In regard to claim 17 (a system), incorporating the rejection of claim 16, rejected for the same corresponding reasons put forth in the rejection of claim 12 (the corresponding method).

In regard to claim 22, incorporating the rejection of claim 21, rejected for the same corresponding reasons put forth in the rejection of claim 2 above (the corresponding method).

5. Claims 3; 8; 13; 18; and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parthasarathy et al., U.S. Patent 6,347,398 in view of Bisset et al., U.S. Patent 6,584,495 (hereinafter referred to as Bisset).

In regard to claim 3, incorporating the rejection of claim 1:

“...further comprising a step for registering said signature data of said authorized program.” Parthasarathy discloses registration of software components (Abstract), but does not specifically disclose registration of signature data. However, Mast discloses the registration of an application program signature (column 62, lines 40 – 42). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of Parthasarathy regarding the registration of software components with the teaching of Mast to include the registration of signature data, because one skilled in the art would be motivated to register software components with the signature data to uniquely and efficiently secure data (or programs treated as data before being installed and run) as taught by Mast (column 3, lines 53 – 55; column 5, lines 43 – 57).

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In regard to claim 8, (an apparatus), incorporating the rejection of claim 6, rejected for the same corresponding reasons put forth in the rejection of claim 3 (the corresponding method).

In regard to claim 13 (a method), incorporating the rejection of claim 11, rejected for the same corresponding reasons put forth in the rejection of claim 3.

In regard to claim 18 (a system), incorporating the rejection of claim 16, rejected for the same corresponding reasons put forth in the rejection of claim 13 (the corresponding method).

In regard to claim 23, incorporating the rejection of claim 21, rejected for the same corresponding reasons put forth in the rejection of claim 3 above (the corresponding method).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,295,645 to Brewer, regarding the use of digital signatures.

U.S. Patent 6,381,742 to Forbes et al., regarding digital signatures in software package management.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046.

The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lawrence Shrader
Examiner
Art Unit 2122

January 5, 2004

Kakali Chaki
**KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**